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Attorneys for Defendant/Third Party Plaintiff
DASAGROUP HOLDINGS CORP.
d/b/a KICKHASS AVOCADOS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JEFFERIES FUNDING, LLC,

Plaintiff,

v.

DASAGROUP HOLDINGS CORP. (d/b/a
KICKHASS AVOCADOS) and LONDON
FRUIT, INC.,

Defendants.

DASAGROUP HOLDINGS CORP. (d/b/a
KICKHASS AVOCADOS),

Counter- and Cross-Claimant,

v.

JEFFERIES FUNDING, LLC,

Counter-Defendant,

and LONDON FRUIT, INC.,

Cross-Defendant.

Case No. 3:24-cv-05639-TLT

**DECLARATION OF MARIO A.
MOYA IN SUPPORT OF
DEFENDANT/THIRD PARTY
PLAINTIFF'S ADMINISTRATIVE
MOTION FOR LEAVE TO FILE
INSTANTER FIRST AMENDED
THIRD-PARTY COMPLAINT**

DECLARATION OF M. MOYA I.S.O ADMINISTRATIVE MOTION

DASAGROUP HOLDINGS CORP. (d/b/a
KICKHASS AVOCADOS),

Defendant/Third-Party Plaintiff,

v.

SILO TECHNOLOGIES, INC.,

Third-Party Defendant.

I, Mario A. Moya, declare:

1. I am an attorney duly admitted to practice before the State of California and in all federal and state courts in the State of California. I am an attorney at the Moya Law Firm, which is located at 1300 Clay Street, Suite 600, Oakland, California 94612. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.

2. I am counsel of record for Defendant/Third Party Plaintiff Dasagroup Holdings Corp. in this action. I submit this declaration in support of Dasagroup's Administrative Motion For Leave To File *Instantly* its First Amended Third-Party Complaint against third-party defendant Silo Technologies Inc.

3. On the late evening of March 18, 2025, while preparing Dasagroup's amended third party complaint against third-party plaintiff Silo Technologies, my PDF software crashed while I was attempting to attach an exhibit to the intended filing. This software glitch unexpectedly froze my computer. To avoid any further delay, I forced-quit my unresponsive PDF application and filed the document as soon as my computer became responsive again. The submitted filing — which was filed at 12:01 a.m. as Dkt. 79 — did not include the intended exhibit to the amended pleading, so the amended pleading was filed without the exhibit to avoid any further delay. Fortunately, the missing exhibit is available via a public URL referenced in

DECLARATION OF M. MOYA I.S.O ADMINISTRATIVE MOTION

1 the amended pleading and was also attached as an exhibit to a different pleading that I had timely
2 filed minutes earlier (see Dkt. 78).

3 4. On the morning of March 19, I sent an email to counsel for Third-Party Defendant
4 Silo, advising them of the circumstances surrounding this filing and informing them that I
5 intended to file a motion for leave to file the document *instanter*. In that correspondence, I
6 indicated that, to avoid any prejudice, Dasagroup would offer an additional day for any
7 responsive pleading deadline in response to the amended filing. In further correspondence,
8 counsel for Silo responded that they would not oppose this request and would stipulate to the
9 additional day on their responsive pleading deadline if the late filing were accepted. A true and
10 correct copy of the email exchange between myself and counsel for Silo is attached hereto as
11 **Exhibit A.**

12 5. Silo would not be prejudiced by granting this motion. Dasagroup has offered to
13 provide an additional day for any responsive pleading deadline, and counsel for Silo has
14 accepted that offer.

15 6. Conversely, Dasagroup would be severely harmed and prejudiced if the Court
16 does not allow the filing of its First Amended Third Party Complaint, as it would prevent
17 Dasagroup from obtaining the full relief it seeks in this action and would not permit an
18 adjudication on the merits of the dispute.

19 7. Granting this motion would not adversely impact the Court's schedule, as
20 allowing the additional day on a responsible pleading would not unduly compact any briefing
21 schedule if Silo attempts to challenge the filing via a further pleadings motion.

22 8. This declaration is submitted in good faith and for no improper purpose.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct.

25 Executed this 19th day of March 2025 at Larkspur, California

26 /s/ Mario A. Moya

27 Mario A. Moya

28
DECLARATION OF M. MOYA I.S.O ADMINISTRATIVE MOTION

EXHIBIT A



Mario Moya <mmoya@moyalawfirm.com>

RE: Silo filing via ECF

Rebecca.Durham@hklaw.com <Rebecca.Durham@hklaw.com>

Wed, Mar 19, 2025 at 9:07 AM

To: Mario Moya <mmoya@moyalawfirm.com>, "M.Jones@hklaw.com" <M.Jones@hklaw.com>, "stosh.silivos@hklaw.com" <stosh.silivos@hklaw.com>

Cc: Rebecca Hoberg <rhoberg@moyalawfirm.com>, Alejandra Bautista <gabautista@moyalawfirm.com>

Mario,

We will not oppose your motion to address the late filing of Dasagroup's third-party complaint, and we agree to stipulate that Silo will have an additional day to respond to the third-party complaint.

Thanks,

Rebecca Durham | Holland & Knight

Phone 415.743.6960

rebecca.durham@hklaw.com

From: Mario Moya <mmoya@moyalawfirm.com>**Sent:** Wednesday, March 19, 2025 8:02 AM**To:** Jones, Michael T (BOS - X75836, SFO - X56970) <M.Jones@hklaw.com>; Durham, Rebecca G (SFO - X56960) <Rebecca.Durham@hklaw.com>; Silivos, Stosh M (NYC - X73533) <stosh.silivos@hklaw.com>**Cc:** Rebecca Hoberg <rhoberg@moyalawfirm.com>; Alejandra Bautista <gabautista@moyalawfirm.com>**Subject:** Silo filing via ECF*[External email]*

Counsel:

Due to my PDF software unexpectedly crashing while attempting to attach an exhibit before filing last night, our amended third party complaint against Silo was filed 2 minutes late via ECF, at 12:01 a.m.

We will be submitting a motion for leave to file the document instanter this morning. Also, to avoid any prejudice, we would be happy to stipulate to provide Silo with an additional day for any responsive pleading in light of the late filing.

We would appreciate the professional courtesy if you would not oppose our motion for leave and would certainly extend the same courtesy to your clients if you are ever in the same situation in the future.

- Mario

Mario A. Moya

MOYALAW

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